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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,432	03/25/2004	Victor Hsieh	2102680-991100	9771

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SUITE 800
SAN FRANCISCO, CA 94107-1957

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,432

Applicant(s)

HSIEH, VICTOR

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended claims 8 and 11. All pending claims not withdrawn (8-13) were examined in this final office action.

Response to Arguments

Applicant's arguments filed 20 December 2006 have been fully considered but they are not persuasive.

The Applicant's description of independent claim 8 was extracted from the Applicant's remarks with Examiner's comments in brackets:

Pending independent claim 8, as amended, recites a method for real-time online search processing of shopping requests received from a wireless handheld client. [Gottsman discloses real-time online search method using a wireless handheld client as previously noted. Pertaining to real-time response, the client device submits a request to the service which in turn accesses it's vendor database and then communicates with the vendor over the web by using previously store vendor network address to retrieve product information over the web. This is as "real time" as it gets. Please see col. 31, lines 14-40.]

XML is used in the communication between the wireless handheld client and a remote server [Gottsman teaches use of HTML as a markup language used by web applications to deliver web documents to a client interface. XML is or competing markup languages is the next step in markup language evolution. One or ordinary skill in the art would consider XML as an obvious technological upgrade to HTML. Floyd teaches XML for wireless client applications and teaches CNET as an online site where XML would be useful.]

An offline database maintains information about a plurality of vendor sites, including URL's, search form URL's, description of domains, and vendor descriptions. The vendor descriptions include generalized results about how product information is organized on each of the vendor sites. [Gottzman discloses the offline vendor info database and discloses the service linking to the vendor website using the vendor's product website address stored in the offline database. Gottzman is describing use of URLs and specifically discloses use of URLs by search engines.]

A product keyword request, received from the wireless handheld device, is processed, including using the vendor descriptions to identify ones of the plurality of vendor sites which may have information responsive to the product keyword request, and the search form URL's [Gottsmans discloses keyword searching and relies upon accessing the product information in real time using URL's].

Real-time price and product information in native languages of identified vendor sites are extracted from the identified vendor sites], and the extracted price and product information are communicated to the wireless handheld device. [As noted above, Gottzman is providing searched product information in real time and communicating the information to the client device. PRN teaches CNET product SKU information content on a global basis to its customers and further teaches providing multi-lingual functionality in 16 languages and 23 countries, which enable its customers to deliver locally focused information on a global scale. Although CNET does not specifically disclose delivering product information in the user native language it clearly suggests to one of ordinary skill in the art that the purpose of supporting multiple languages is to deliver locally focused information in the user's native language. For example, if an end-user speaks French and is using a French language web site that is a customer of CNET, a receives product SKU information from, it be obvious to one of ordinary skill in the art the locally focused product content would be in the users native language].

This Examiner is suggesting the Applicant consider a telephone interview for further discussion. A critical step is missing from the broad independent claim and is willing to invest some time to help the Applicant perfect the claim. I can be reached at 571-272-6760 or by email at robert.pond@uspto.gov.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 8 and 10-13 are rejected under 35 USC 103(a) as being unpatentable over Gottsman (US 6,134,548) in view of Floyd (PTO-892, Item: U) and PRN (PTO-892, Item: V).**

Gottsman teaches a comparison shopping system and method of a shopper communicating remotely using a wireless or similar handheld wireless device for comparison shopping (see at least abstract; Fig. 16; Fig. 17 (1740); col. 36, line 42 through col. 38, line 41). Gottsman further teaches:

- communicating with the wireless handheld client through a remote server:
(see at least Fig. 17 (1720, 1740)).
- maintaining in an offline database information for a plurality of vendor sites: database managed directly by the server contains information about

the product and service providers integrated into the system and provides a links to the supplier sites (see at least Fig. 10A(1020, 1050); col. 33, lines 25-38).

- processing a product keyword request received from the wireless handheld device through the remote server: (see at least col. 13, line 19 through col. 31, line 13).
- communicating the extracted price and product information to the wireless handheld device client through the remote server: (see at least col. 38, lines 1-15).

Gottzman teaches all the above as noted under the 103(a) rejection and teaches a) a comparison shopping service managed by a web server, and b) communication content using HTML, but does not disclose using XML. Floyd teaches the use of HTML, XML, and CNET, a comparison shopping service, and offers an example of how CNET would communicate with a wireless user using XML. Floyd further teaches additional uses of XML as a pending industry standard for interoperability between systems (see at least pages 2-4). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottzman to implement XML as taught by Floyd, in order to support interoperability between systems, and thereby attract shoppers to the service.

Gottzman teaches all the above as noted under the 103(a) rejection and teaches a) a comparison shopping service managed by a web server, and b)

extracting information in a default native language and communicating shopping information with a wireless user, but does not disclose communicating in a native language of the site. PRN teaches mySimon's mission being the ultimate destination for comparison shopping and further teaches CNET Networks being owned by mySimon and CNET Data Services as an information source to mySimon. PRN teaches CNET Networks and Edmunds partnering to transform the delivery of automotive industry information, and further teaches CNET Data Services providing multi-lingual functionality which includes up to 16 languages and 23 countries, and enabling CNET customers to deliver locally focused (i.e. native language) information on a global scale (V: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottsman to provide multi-lingual functionality and delivering information in a native language as taught by PRN, in order to provide locally focused shopping content to wireless users.

- 2. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Gottsman (US 6,134,548) in view of Floyd (PTO-892, Item: U) and PRN (PTO-892, Item: V), as applied to claim 8, further in view of Pricegrabber (Paper #20050610, PTO-892, Item: UU).**

Gottsman in view of Floyd and PRN teach all the above as noted under the 103(a) rejection and teach a) comparison shopping services including mySimon, and extracting price and product information, but do not specifically disclose

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sorting shopping information. Pricegrabber teaches comparison shopping services including mySimon, Pricegrabber, and BizRate, and further teaches BizRate offering price comparisons and sorting by price (please note interpretation: provides user convenience) (UU: see at least page 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottsman in view of Floyd and PRN to provide price sorting by supplier as taught by Pricegrabber, in order to provide a user convenience.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

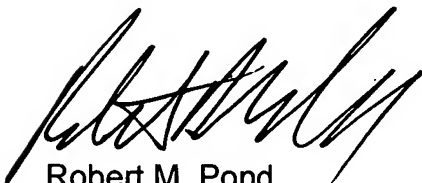
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish at the end.

Robert M. Pond
Primary Examiner
May 4, 2007